IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 168 OF 2005

Shrinivas Oil Mills.. ... ... Petitioner.

Versus

The Branch Manager & Ors. .... Respondents.

Mr. A. A. Kumbhakoni with Mr. A. M. Joshi for the Petitioners.

Mr. H. N. Thakore i/by M/s. Thakore Zariwala & Co.
for Respondent No.1.

Mr. B. Trilokani i/by Shantilal & Co., for Auction Purchaser.

Mr. I. M.Khairdi for Intervener.

CORAM : DALVEER BHANDARI, C. J. &
S. A. BOBDE, J.

DATED : FEBRUARY 17, 2005.

P.C. :

This petition is filed against the order passed by the Debt Recovery Appellate Tribunal in M.A. Nos. 402 of 2004 and 403 of

2004 confirming the order passed by the Debt Recovery Tribunal.

2. The Appeal of the Appellant before the Tribunal was dismissed because there was delay of 30 days in filing the same. We have heard the learned Counsel for the parties. In the facts and circumstances of this case, we are of the opinion that delay requires to be condoned. Consequently, the impugned order dated 5th January, 2005 is set aside. Matter is remitted back to the Debt Recovery Appellate Tribunal for reconsideration on merits. Parties to appear before the Debt Recovery Appellate Tribunal on 24th February, 2005.

3. No further directions are necessary. Writ petition is disposed of accordingly.

Sd/-

CHIEF JUSTICE

Sd/-

S. A. BOBDE, J.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 247 OF 2005

IN

WRIT PETITION NO. 168 OF 2005

Shrinivas Oil Mills.. ... ... Petitioner.

Versus

The Branch Manager & Ors. .... Respondents.

Mr. A. A. Kumbhakoni with Mr. A. M. Joshi for the Petitioners.

Mr. H. N. Thakore i/by M/s. Thakore Zariwala & Co.
for Respondent No.1.

Mr. B. Trilokani i/by Shantilal & Co., for Auction Purchaser.

Mr. I. M.Khairdi for Intervener.

CORAM : DALVEER BHANDARI, C. J. &
S. A. BOBDE, J.

DATED : FEBRUARY 17, 2005.

P.C. :

This is an application of the Intervener. In the application, it is mentioned that the market value of the property in question is Rs.22 lacs and he is prepared to pay the same. Whereas the same has been sold in auction for Rs.8,10,000/-. It is demonstrated that he is prepared to deposit 50% of that amount i.e. Rs.11 lacs before the Debt Recovery Appellate Tribunal. Let that amount be deposited within one week from today.

2. Intervention application is allowed and is disposed of accordingly. He shall be permitted to intervene in this matter before the learned Debt Recovery Appellate Tribunal.

Sd/-

CHIEF JUSTICE

Sd/-

S. A. BOBDE, J.